



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 3116-99

15 October 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Marine Corps on 9 February 1979 after two years of prior honorable service. Your record reflects that on 19 October 1981 you received nonjudicial punishment (NJP) for driving while intoxicated and possession of marijuana. The punishment imposed was forfeitures totalling \$580, restriction and extra duty for 45 days, and reduction to paygrade E-3.

Your record also reflects that during the period from 1 November to 28 December 1981 you attended an alcohol and drug safety program, which you successfully completed. However, after undergoing a medical examination on 19 January 1982 due to your continued use of alcoholic beverages, you were diagnosed with alcoholism.

During the period from 7 April to 27 August 1982 you received NJP on three more occasions for three incidents of failure to obey a lawful order and two incidents of failure to go to your appointed place of duty. Shortly thereafter, on 2 September 1982, you were notified of pending administrative separation action. After

consulting with legal counsel you waived your right to present your case to an administrative discharge board. On 21 September 1982 your commanding officer recommended you be honorably discharged by reason of unsuitability due to the diagnosed alcoholism. However, the discharge authority disapproved the foregoing recommendation and directed your commanding officer to issue you a general discharge by reason of unsuitability due to the diagnosed alcoholism. On 18 October 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and good post service conduct. The Board also considered your contention that you would like your discharge upgraded to honorable now that you have completely changed your life physically, mentally, and spiritually. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge given the serious nature of your drug and alcohol related misconduct, and the frequency of your infractions, which resulted in four NJPs. Given all the circumstances of your case, the Board concluded your discharge proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director